



General Assembly

**Substitute Bill No. 1020**

January Session, 2009

\* \_\_\_\_SB01020ED\_\_\_\_040209\_\_\_\_\*

**AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-79a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section, "pesticide" means a fungicide used on  
4 plants, an insecticide, a herbicide or a rodenticide but does not mean a  
5 sanitizer, disinfectant, antimicrobial agent or a pesticide bait; [, and]  
6 "lawn care pesticide" means a pesticide registered by the United States  
7 Environmental Protection Agency and labeled pursuant to the federal  
8 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and  
9 ornamental sites or areas; "certified pesticide applicator" means a  
10 pesticide applicator with (1) supervisory certification under section  
11 22a-54, or (2) operational certification under section 22a-54, who  
12 operates under the direct supervision of a pesticide applicator with  
13 said supervisory certification; "licensee" means a person licensed under  
14 sections 19a-77 to 19a-87e, inclusive, and "day care center" means a  
15 child day care center, group day care home or family day care home  
16 that provides "child day care services", as described in section 19a-77.

17 (b) No [application of pesticide may be made in any building or on  
18 the grounds of] person other than a certified pesticide applicator shall  
19 apply pesticide within any [child] day care center, [group day care

20 home or family day care home, each as described in section 19a-77,  
21 during regular business hours] except that a person other than a  
22 certified pesticide applicator may make an emergency application  
23 [may be made] to eliminate an immediate threat to human health, [if  
24 (1) it is necessary to make the application during regular business  
25 hours] including, but not limited to, for the elimination of mosquitoes,  
26 ticks and stinging insects, provided (1) the licensee or a designee of the  
27 licensee determines such emergency application to be necessary, (2)  
28 the licensee or a designee of the licensee deems it impractical to obtain  
29 the services of a certified pesticide applicator, and [(2)] (3) such  
30 emergency application does not involve a restricted use pesticide, as  
31 defined in section 22a-47. [No child enrolled at such center or home  
32 may enter an area where pesticides have been applied until it is safe to  
33 do so according to the provisions on the pesticide label.]

34 (c) No person shall apply a lawn care pesticide on the grounds of  
35 any [child] day care center, [or group day care home, as described in  
36 section 19a-77,] except that an emergency application of pesticide may  
37 be made to eliminate an immediate threat to human health, including,  
38 but not limited to, the elimination of mosquitoes, ticks and stinging  
39 insects, provided (1) the licensee or a designee of the licensee  
40 determines such emergency application to be necessary, and (2) such  
41 emergency application does not involve a restricted use pesticide, as  
42 defined in section 22a-47. The provisions of this subsection shall not  
43 apply to a family day care home, as described in section 19a-77, if the  
44 grounds of such family day care home are not owned or under the  
45 control of the licensee.

46 (d) No licensee or designee of a licensee shall permit any child  
47 enrolled in such licensee's day care center to enter an area where a  
48 pesticide has been applied in accordance with this section until it is  
49 safe to do so according to the provisions on the pesticide label.

50 (e) On and after October 1, 2009, prior to providing for any  
51 application of pesticide on the grounds of any day care center, the  
52 licensee or a designee of the licensee shall, within the existing

53 budgetary resources of such day care center, notify the parents or  
54 guardians of each child enrolled in such licensee's day care center by  
55 any means practicable no later than twenty-four hours prior to such  
56 application, except that for an emergency application made in  
57 accordance with this section, such notice shall be given as soon as  
58 practicable. Notice under this subsection shall include (1) the name of  
59 the active ingredient of the pesticide being applied, (2) the target pest,  
60 (3) the location of the application on the day care center property, and  
61 (4) the date or proposed date of the application. A copy of the record of  
62 each pesticide application at a day care center shall be maintained at  
63 such center for a period of five years.

64       Sec. 2. Section 10-231b of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective July 1, 2009*):

66       (a) No person, other than a pesticide applicator with supervisory  
67 certification under section 22a-54 or a pesticide applicator with  
68 operational certification under section 22a-54 under the direct  
69 supervision of a supervisory pesticide applicator, may apply pesticide  
70 within any building or on the grounds of any school, other than a  
71 regional agricultural science and technology education center. This  
72 section shall not apply in the case of an emergency application of  
73 pesticide to eliminate an immediate threat to human health where it is  
74 impractical to obtain the services of any such applicator provided such  
75 emergency application does not involve a restricted use pesticide, as  
76 defined in section 22a-47.

77       (b) No person shall apply a lawn care pesticide on the grounds of  
78 any public or private preschool or public or private school with  
79 students in grade eight or lower, except that (1) on and after January 1,  
80 2006, until July 1, [2009] 2010, an application of a lawn care pesticide  
81 may be made at a public or private school with students in grade eight  
82 or lower on the playing fields and playgrounds of such school  
83 pursuant to an integrated pest management plan, which plan (A) shall  
84 be consistent with the model pest control management plan developed  
85 by the Commissioner of Environmental Protection pursuant to section

86 22a-66l, and (B) may be developed by a local or regional board of  
87 education for all public schools under its control, and (2) an emergency  
88 application of a lawn care pesticide may be made to eliminate a threat  
89 to human health, as determined by the local health director, the  
90 Commissioner of Public Health, the Commissioner of Environmental  
91 Protection or, in the case of a public school, the school superintendent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	19a-79a
Sec. 2	<i>July 1, 2009</i>	10-231b

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**ENV**      *Joint Favorable C/R*      PH

**PH**      *Joint Favorable Subst. C/R*      ED

**ED**      *Joint Favorable*